



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Mitchell R. Swartz

Serial no. 09/ 750,765

Filed: 12/28/00

For: **METHOD AND APPARATUS
TO CONTROL ISOTOPIC FUEL
LOADED WITHIN A MATERIAL**

This is a continuation of Serial no. 07/ 760,970

Filed: 09/17/1991

Group Art Unit: 3641

Examiner: Mr. Palabrica, R.J.

The Commissioner for Patents
Alexandria, VA 22313-1450

June 10, 2006

**DECLARATION OF DR. MITCHELL SWARTZ
SUPPORTING PETITION to the COMMISSIONER**

I, Mitchell R. Swartz, declare that I am a citizen of the United States of America and the inventor of the invention described in the above-entitled application.

1. I received the Office's Notices of Abandonment dated 6/7/06. They are not accurate and are unfair.

2. The Notices are not accurate. There were no deficiencies as the Office purports. I have already addressed this, including in my missive "Appellant's Notice to the Board" dated Nov, 18, 2003, and in a pending Petition which is still ignored by the Office.

3. The Decision to which the Notices refer is not accurate in that all claims were discussed to the best of my *pro se* ability in each of the relevant sections of 112 first and second paragraph, 102 and 101, and were explicitly discussed in detail in each of the Appeal Briefs with respect to each and every one of the Examiner's rejections, and further organized with respect to each and every issue which the Examiner brought up with respect to each claim the Examiner cited in each rejection.

4. I have made every attempt to comply with 37 CFR 1.192(c) such that each of the rejected claims was fully argued with respect to each and every issue raised by the examiner with respect to the Examiner's arguments of each cited claim. This was done in an organized manner for judicial economy and to maximize clarity for the Board.

5. It is unfair that the Office and the Director have ignored the received Petition [confirmed by Exhibits "C", "D" and "E"]. That these Notices were rushed out after the Office received a Petition to the Commissioner, but before it was addressed, is consistent again with the appearance of impropriety and obstruction of justice.

6. It is unfair that since my Appeal Brief was filed, there has been a serious and systematic delay to send this to the Board for two years -- even though my checks were promptly cashed by the Office. The Board remanded my first patent application to the Examiner and since that time, the Examiner and his supervisors have systematically attempted to throw out each and every one of my applications using false statements, false abandonments, and other tactics consistent with an appearance of impropriety.

I declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Signature of Inventor:

June 10, 2006



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